

Court of Appeals, State of Michigan

ORDER

In re J Atherton Minor

Docket No. 344543

LC No. 13-013365-NA

Amy Ronayne Krause
Presiding Judge

Stephen L. Borrello

Michael J. Kelly
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to remand to vacate trial court orders is DENIED. The proper means for petitioner-appellee to seek to challenge the trial court's February 14, 2019 and/or March 7, 2019 orders would be to file an application or delayed application for leave to appeal in this Court as to either or both of those orders under MCR 7.205, not a motion to remand in this appeal. In this regard, contrary to the indication of the motion, MCR 7.208(A) does not establish an absolute bar against a trial court amending or setting aside an order appealed from in an appeal of right except on order of this Court, particularly as one exception to that general rule is "as otherwise provided by law." MCR 7.208(A)(4). This reinforces that the proper means to seek to challenge such a postjudgment order would ordinarily be by filing an application or delayed application for leave to appeal in which the matter of the trial court's legal authority to enter the challenged order could be addressed. We also note that, if appellants wish to seek one or more of the forms of affirmative relief discussed in their answer, they should file their own appropriate motion(s) in this Court.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 18 2019

Date

Chief Clerk